



**Shoreland Management Advisory  
Committee Meeting Notes  
May 6, 2003  
Wisconsin Lions Camp, Rosholt**

**I. Welcome --- Richard Wedepohl**

Meeting called to order followed by an explanation of Al Shea's absence. Next meeting will be held on June 24<sup>th</sup> at the Steven's Point-Portage County Government Building Annex. A wrap-up meeting will be scheduled. The tentative date is July 15<sup>th</sup>.

The previously scheduled meeting on August 28<sup>th</sup> will be canceled. Another meeting will be held after the listening sessions (between November and February). The listening sessions (4 to 8) have not yet been scheduled, but we hope to hold at least one before Labor Day.

*Comments*

Mark Schultz – It would be good to have more than 4 listening sessions.

**II. Modifications to Nonconforming Structures Located in the  
Primary Buffer --- Toni Herkert**

The guiding principles agreed to at the last meeting were reviewed, and the discussion of suggested definitions began.

**Q** (Jay Verhulst): Is the primary buffer assumed to be 35 feet?

**A** (Toni Herkert): It was decided at the last meeting to take both 35 feet and 50 feet to the listening sessions. We'll need to think conceptually about the purpose of the primary buffer in our discussions.

*Comments*

Richard Wedepohl: You can qualify your comments if you think it is necessary to do so.

Jim Liebert: We should take another vote on buffer depth.

Nancy Russell: We should not rehash issues that have already been decided. She brought up an issue with the definition of “permit.”

Toni Herkert: We’ll discuss “permit” definition in a few minutes.

Michael Dresen: He does not see in the suggested definitions the concepts of ordinary maintenance and repair being a right, and the concept that mitigation would be roughly proportional to the scope of the project.

Toni Herkert: The first concept is reflected in the regulations to implement the guiding principles; the second concept is only partially reflected in the mitigation measures that have been suggested.

## **Definitions**

### Suggested Definitions of “Structure”

Jay Verhulst: These definitions would not deal with issue of attached decks or porches, and the first option would include picnic tables.

Glenn Schiffmann: Would also include stairs, lifts, and similar things that should be allowed. What about overhang on buildings?

Elmer Goetsch: Reminded everyone you can’t put the regulations into the definitions.

Chip Nielsen: Pointed out that option 2 only applies to structures above the Ordinary High Water Mark (OHWM). He argued that NR 115 only applies above the OHWM.

Linda Meyer: s. 281.31, Stats., gives counties the option to regulate below the OHWM.

Earl Cook: A distinction needs to be made between primary and secondary structures.

Elmer Goetsch: Those distinctions should be made in the regulations, not in the definitions.

Jerry Deschane: He is comfortable with the option 2 concepts, although, the second sentence maybe problematic.

Tom Larson: What does “independent” utility mean?

Linda Meyer: It is not a term that is defined in statute.

Michael Dresen: He has never heard of counties considering attached decks and patios as having “independent” utility. What about motor homes and other temporary structures – they should be considered structures.

Phil Gaudet: Temporary structures should be included in the definition; a small shed without foundation could be characterized as a “temporary” structure.

Marc Schultz: Two different definitions will apply to the same property in floodplain areas; we should keep the definition as general as possible so there isn’t a conflict.

Nancy Russell: She likes option one; she agrees with Marc. We can state exceptions in the regulations.

Chuck Mitchell: He likes option one, but suggested using terms “constructed or otherwise erected or attached to or permanently placed upon the ground” as an amendment to option one.

Poll of Committee Members on Structure Definition (13 for Option 1, 6 for Option 2 and 2 members didn’t like any definition)

Phil Gaudet: Washington County– Option 1

Mark O’Connell: Wisconsin Towns Association – 1 or 2; 1 with adjustments

Karl Kastrosky: Bayfield County – 1 or 2; 1 with adjustments

Chuck Mitchell: Riparian Representative (Wauwatosa) – 1 or 2; 1 with adjustments

Jay Verhulst: Riparian Representing Taxpayers for Fair Zoning – can’t endorse any one today

Bill Pielsticker: Trout Unlimited – Option 1

Glenn Schiffmann: Natural Resources Board Appointee – “constructed” needs to be part of definition; “independent” isn’t needed before utility; Option 2 without second sentence

Jerry Deschane: Wisconsin Builders Association – Option 2 (doesn’t want “temporary” included)

Chip Nielsen: County Board Representative (Vilas County) – Option 2 (doesn’t want “temporary” included)

Paul McGinley: University Representative (Water Quality) – Option 1  
Jim Liebert – Option 2 (only first sentence)  
Earl Cook: Riparian Representative (Springbrook) – Option 1  
Marc Schultz: Riparian Representative (Onalaska) – Option 1 (but how do you define what is permanent and temporary?)  
Miles Benson: Governor’s Council on Forestry – can’t decide; all have good points  
Nancy Russell: County Board Representative (Walworth) – Option 1  
Paul Mongin: Wisconsin Conservation Congress – Option 1  
John Larson: Applied Ecological Services – Option 1 (but change “man” to “human”)  
Elmer Goetsch: Wisconsin Association of Lakes – Option 1 (elsewhere in regulation, we’ll need to spell out how they are regulated)  
Pam LaBine: Forest County – an abbreviated Option 2  
Michael Dresen: University Representative (Land Use)– Option 1  
Tom Larson: Wisconsin Realtors Association – Option 2

#### *Comments*

Karl Kastrosky: Buildings on skids can be a big enforcement problem; we need to include “temporary.”

Jerry Deschane: If “temporary” is included, someone will regulate boat parking.

Jay Verhulst: Isn’t this something that is being regulated.

Karl Kastrosky: They have an existing problem with buildings on skids.

Phil Gaudet: He agrees. If you don’t include “temporary,” you’ll have a problem with enforcement.

#### Suggested Definitions of Ordinary Maintenance and Repair

Jay Verhulst: If we adopt one of these definitions counties will need to change their definitions.

Karl Kastrosky: It would be a good thing; some counties are more restrictive than these proposed definitions.

**Q** (Bill Pielsticker): Does reference at end of the second sentence of Option 1 mean “no structural alteration” allowed?

A: It wasn't intended to.

Chip Nielsen: End the second sentence after "other internal improvements."

Nancy Russell: likes Option 4; so that "nothing falls through the cracks"; nothing is left out.

Pam Labine: She likes the wording at the beginning of Option 3.

Michael Dresen: Option 4 has a lot of elegant simplicity.

Marc Schultz: "anything" in Option 4 may be too vague; do we need to be more specific?

Suggested Definitions of Structural Components ( 5 for Option 1, 4 for Option 1 or 2, and 11 for Option 2)

Jerry – Not logical to exclude foundations; he likes Option 2 if "other than the foundation, if any" is deleted.

Phil – Option 1

Mark – Option 2

Karl – Option 1; but needs to be more specific; need to quantify the components.

Chuck – Option 1

Jay V. – Option 1

Bill – Option 2

Glenn – Option 2 without excluding foundation

Jerry – Option 1 or 2 with foundation included

Chip – Option 1 or 2 with foundation included

Paul M. – Option 1 or 2 with foundation included

Jim L. – Option 1 (what about railroad ties?)

Earl – Option 2

Marc – Option 2

Miles – Option 1 or 2

Nancy – She likes Option 2 excluding the foundation. It is important when we get to replacement, that it excludes the foundation.

Jerry – Let's debate "replacement" separate from the definition.

Paul M. – Option 2 if it includes foundation

John L. – Option 2 if it includes foundation

Elmer – Option 2 if it includes foundation

Pam – Option 1 or 2

Michael – Option 2 including foundation  
Tom – Option 2 if it includes the foundation

#### Suggested Definitions of Replacement

**Q** (Paul MOngin): Would a chimney left standing mean that a house wouldn't be "replaced" under Option 1 if everything else was removed?

**A** (Jerry Deschane): That's right.

**Q** (Michael Dresen): Do we need a separate definition of "replacement"? Can't we simply use the term "major reconstruction"?

**A** (Chip Nielsen): "replacement" is needed to describe a catastrophic event that requires rebuilding.

Tom Larson: He agrees with Mike. One definition is enough. Every place where "replacement" is used, "major reconstruction" is also used in the proposed regulations. We should define "major reconstruction" to include what is proposed to be defined as "replacement."

Richard Wedepohl: He decided that we will have one combined definition. If people have complaints, they can voice them later.

(Break)

#### *Comments*

Chip Nielsen: He is not happy spending so much time discussing definitions, when we have agreed that NC structures will continue to exist. We're writing code language – it's frustrating.

Jay Verhulst: Counties will feel that DNR is trying to dictate to them; you'll accomplish more through education.

Bill Pielsticker: At the last meeting, Jay complained that we couldn't discuss concepts in detail until we knew how the terms are defined.

Toni Herkert: At previous meetings, it became clear that many committee members felt that "the devil was in the details."

Earl Cook: NR 115 is currently criticized for not having enough detail – enough definitions.

#### Suggested Definitions of Major Reconstruction

Richard Wedepohl: This is an important issue.

Tom Larson: This definition will be the trigger for moving structures to a complying location.

Phil Gaudet: He likes Option 1 – could/should be changed to 50%

Bill Pielsticker: He doesn't have any experience with the 50% rule: he wanted to more clearly define it; it would have the potential benefit of encouraging owners to ask to have their assessments increased! Replacing 50% of structural components may mean exceeding 75% of value; he has reservations about a percentage of structural components option.

Tom Larson: Owners of homes on waterfront properties should be able to completely replace their homes like anyone else (replace what they have but not expand them). He'd like to change his proposal to remove exception for the foundation, if the term "replacement" isn't going to be used.

Glenn Schiffmann: When an owner is replacing everything other than the foundation, that is the time that they should be required to move to a complying location.

Bill Pielsticker: Someone with an undeveloped lot would not have the same opportunity – there would be inequity between property owners to allow complete reconstruction of nonconforming buildings in nonconforming location.

Jay Verhulst: He wonders how many people at the table have a vested interest in waterfront property.

**Q** (Jay Verhulst): How many own riparian property?

**A:** Not quite half of the members.

**Q** (Jay Verhulst): Why should elderly riparian owners not be able to rebuild? He can't find science that proves that development in setback areas is a problem.

Elmer Goetsch: You're not reading in the right place.

Jerry Deschane: Supports Option 4. Likes its clarity. No room for “gamesmanship.” If we choose Options 1-3, we’ll be back in a few years because we won’t have fixed the problem. We need a clear, bright line.

Chip Nielsen: Bought his first home in 1987 without understanding the shoreland zoning limitations. 1,100 square feet on first floor; first a cottage; ultimately winterized. His options were; tear it down and move it back (would have to cut 100 year old white pines), or sell it. He sold it. It will remain as a cottage until someone wants to change the entire lot.

Michael Dresen: He agrees that there needs to be a bright line. However, what troubles him about Option 4 is how it will be combined with ability to expand

Toni Herkert: Current proposal uses the term “major reconstruction” in both primary buffer and secondary buffer.

Michael Dresen: In his opinion, counting all structural components is an administrative problem. Another approach is to measure the external walls, and apply a percentage limit.

Chuck Mitchell: He doesn’t think that it is so hard to count structural components; feels there is not much difference between Options 1 and 2.

Bill Pielsticker: He is very much opposed to the Larson proposal. If owners are allowed to maintain their building, the buildings will last for a long, long time. If we are trying to protect the waters of Wisconsin, we need to address that concern as well as the concerns of the property owners. We went far enough by allowing unlimited maintenance and repair. At some point between ordinary maintenance and repair and complete reconstruction, there needs to be a point that will require relocation to a complying location.

Glen Schiffmann: He likes the idea of owners having the choice. That is accomplished by not allowing expansion. In many cases, there is no room to move back. Prohibiting expansion won’t allow changing cottages to castles.

Jerry Deschane: He supports Option 4 or something like it because when the entire structure is to be reconstructed, it will have to be moved to a conforming location. We can’t fail to make changes to the existing rules – the problem will just get worse. We shouldn’t shrink from making a



decision. It will be an environmental benefit to adopt option 4 because mitigation will be required.

Jay Verhulst: He supports Option 4. Why shouldn't the owners be allowed to rebuild like owners of non-riparian property?

Elmer Goetsch: He is leaning toward Option 4, because he has seen so many problems with calculating if the 50% rule is used.

Earl Cook: If you leave a joist on the foundation, you still won't have a bright line. There will still be a gray area. And, aren't nonconforming structures to be quickly eliminated (required by court cases)?

Linda Meyer: Yes, that's true.

Karl Kastrosky: Doesn't it make sense to require moving to a conforming location if the entire building is rebuilt?

Mark O'Connell: If an owner wants to reconstruct on an existing foundation that should be allowed. There still will be an environmental benefit because there will be required mitigation required. Could a county implement a 50% rule or other more restrictive? (Yes) Option 4 is clearer.

Phil Gaudet: You'll generally need to replace an old foundation, if a house is reconstructed, and it doesn't accomplish the goal of shoreland zoning to allow reconstruction at a nonconforming location. Get rid of counting structural components. Go with a percentage of the footprint of the building. Option 1; change to percentage of footprint.

Michael Dresen: How will the percentage of footprint be determined?

Nancy Russell: How many times are we going to allow reconstruction?

Elmer Goetsch: A limit on number of times reconstruction should be regulated outside of the definition.

Phil Gaudet: Example of a 20 x 40 building; tearing down 2 walls would be 50% of the footprint.

Miles Benson: We are getting bogged down because we are trying to write a code, instead of just focusing on the definitions.

Glenn Schiffmann: He proposes that complete reconstruction within footprint (with or without foundation) should be allowed.

Nancy Russell: Wants some square footage limitation; “footprint” needs to be clarified, so that second stories aren’t allowed.

Bill Pielsticker: Has the committee agreed that mitigation will be proportional to the scope of the project?

Poll of Committee Members on “Major Reconstruction” (11 members for a combination of Options 1 and 5 and 10 members for Option 4)

Phil – Options 1 and 5 are possibilities; general ideas are good

Mark – Option 4

Karl – Options 1 and 5

Chuck – Options 1, 5, and 2 (doesn’t like gray area where if a few sticks are left short of complete reconstruction.)

Karl – More practical than 50% rule; will be practical if we list components

Jay – Option 4

Bill – Combined Options 2 and 5; he thinks that there will be few cases where complete reconstruction on the footprint will benefit the environment.)

Glenn – Option 4

Jerry – Option 4

Chip – Option 4

Paul – Wants an earlier trigger (1 and 4 or 5)

Jim – Option 4 within existing envelope

Earl – 5 or 1

Mark – too many games can be played with option 4; not happy with any; Option 5, maybe

Miles – between Options 1 and 5; need to look at soil disturbance as part of this analysis)

Nancy – Option 4 (this is what Walworth County has now, not her personal choice); can’t go upward or downward, no expansion.

Paul – Option 1 and 5

John – Between Options 1 and 5

Elmer – Option 4, within envelope; can’t change foundation; we need to examine the use of the work “all”

Pam – Option 6-to be announced-4

Michael: Option 5, however, if expansion is prohibited or severely limited.

Suggested Definitions of Ordinary Maintenance and Repair (1 member for Option 1 or 2, 1 member for Option 2, 1 member for Option 3 and 17 or 18 members for Option 4)

Phil – Option 5 (1 or 4)

Mark – Option 4

Karl – Option 4

Chuck – Option 4

Jay V. – Option 4

Bill – Option 4

Jerry – Option 4

Glen – Option 4

Paul – Option 4

Chip – Option 4

Jim – Option 4

Earl – Option 4 (but use different language)

Miles – Option 3

Nancy – Option 4 (but use different language)

Paul M. – Option 4

John – Option 4

Elmer – Option 4

Pam – Option 4

Mike – Option 4

Tom – Option 4

(Lunch)

Suggested Definitions of Permit

Jerry Deschane: All of the proposed definitions say the same thing.

Nancy Russell: Counties require permits for different things. Rule will need to reflect that.

Michael Dresen: We could use existing language in rule – listing activities (in s. NR 115.05 (6)(c), Wisc. Adm. Code)

Elmer Goetsch: Definition should include relocation/moving a building.

Mark O'Connell: If we keep the existing language in the rule, we don't need a definition.

Carmen Wagner: The rule will need to specify when mitigation will be required.

**Q** (Tom Larson): Will we still use the term permit?

**A** (Richard/Toni): Yes

#### Suggested Definitions of Mitigation

Chip Nielsen: Option 1 is acceptable

Jerry Deschane: Asked why nonconforming lots mentioned. Delete "on nonconforming lots".

**Q** (Jay Verhulst): Why is removal of rip-rap included?

**A** (Carmen Wagner): Referred to ch. 328, which is proposed.

Karl Kastrosky: he doesn't like "adverse" impact; definition can be educational if it lists purposes of shoreland zoning.

Earl Cook: Why limited to the primary and secondary buffer?

Elmer Goetsch: Shouldn't try to include policy details in the definition.

Mark O'Connell: We need to include "adverse" or "negative" impacts; we don't want to mitigate positive impacts of development.

Elmer Goetsch: Suggested adding "any" before "adverse".

#### Suggested Definitions of Mitigation

Option 1, as amended, was agreed to by all members of the committee who were present.

**Q** (Karl Kastrosky): Why isn't documentation of compliance with sanitary system requirements included in mitigation list?

**A** (Michael Dresen): Dept. of Commerce takes position that state statutes and rules already dictate when sanitary systems must be upgraded.

Nancy Russell: The County should choose the options for mitigation; property owner will almost always choose cheapest; too easy to avoid

meaningful mitigation if the property owner can choose the options they want.

Chuck Mitchell: Won't they have to do something? They should, in his opinion. He is opposed to giving property owners credit for things that they should have done anyway, especially if it means that they won't have to do anything more.

Jerry Deschane: We need to talk about what restoring the primary buffer means.

Carmen Wagner: Wisconsin has interim standards for vegetative buffer restoration that have been established and are on the DNR's website.

Jerry Deschane: If a property owner doesn't have the choice, they will try to get around requirements that they don't like.

Michael Dresen: They could be given credit for good stewardship, while still requiring some additional mitigation.

Elmer Goetsch: The word "applicable" should be added, so that provisions that don't apply can't be selected.

Jay Verhulst: We would have better compliance if Counties could choose their own mitigation requirements. General mitigation requirements won't always be beneficial. Structures that don't stand out in one season will stand out in another season.

Bill Pielsticker: Existing conditions shouldn't allow permit applicant to do no mitigation at all; should factor into end-point only; there should be different levels of required mitigation.

Michael Dresen: If you said that there had to be rough proportionality between size of the project and the extent of mitigation required, that should work.

Nancy Russell: She was going to say the same thing. Restoring the primary buffer may cost many times more than the cost of a project. Maybe only a percentage of the buffer should be required to be restored.

Miles Benson: Property owners shouldn't be penalized if they have been good stewards of the land.

Jay Verhulst: We shouldn't try to dictate aesthetics in the rule. How will counties track mitigation requirements?

Phil Gaudet: They need a system to check what was done under earlier permits.

Jay Verhulst: In Vilas County, when a permit is issued, a mitigation plan is developed and is filed, so that it can be checked later.

Chip Nielsen: Vilas County also asks owners to submit a photo of the site. His concern is restoration of primary buffer. It has to be given more weight than other mitigation options.

Mark O'Connell: Mike's concept is a good one. County zoning administrators will have a better idea of what is needed than the property owner will. Let's allow the counties flexibility.

Earl Cook: Conservation officers could work with zoning officer on these things.

Mark O'Connell: The ZA should make the final decision based on advice from the land conservation officer.

Jim Liebert: Won't ZAs be put into a difficult position if they don't have a requirement to point to? True?

Pam Labine: If landowner doesn't like it, he can appeal the ZA's determination.

Toni Herkert: Suggested staff will develop two options: 1. Mitigation plan – simpler options, 2. points system. Then we'll discuss these options at the next meeting. How does everyone feel about this suggestion?

Michael Dresen: Both options need to define the end-point

Jay Verhulst: How are counties dealing with mitigation currently?

Chuck Mitchell: He is concerned about people having credits for “god stewardship”.

Karl Kastrosky: You need to acknowledge “good stewardship” or landowners who are good stewards will complain.

Miles Benson: What about aquatic plant restoration?

Carmen Wagner: Counties could add it as another option for mitigation.

Bill Pielsticker: Maybe less credit would be given for work already done than for same work that is new.

Mark O’Connell: We should put giving credit into the hands of the ZA, the expert.

### **III. Modifications to Nonconforming Structures Located in the Secondary Buffer**

Pam Labine: A lot of people can’t afford to do all of the expansion or repair at one time.

Michael Dresen: A one-time expansion regulation is hard to sell politically. Having an “outside” size limit should be adequate.

Karl Kastrosky: There should be accumulative cap: a one-time provision doesn’t work; the cumulative cap will be more effective.

Phil Gaudet: Accessory structures shouldn’t be lumped in with principal structures; why was proposal included to allow expansion in secondary buffer? No expansion should be allowed.

Karl Kastrosky: Probably was included because several counties currently allow expansion in secondary buffer.

Earl Cook: Accessory structures should not be lumped together with primary structures. (Proposed a different cut-off for “major reconstruction” of accessory structures? Or reconstruction not allowed at all?)

Revised Options for Expansion:

1. No Expansion
2. One-time only to a cap
3. Cumulative cap

Poll of Committee Members (4-Option 1, 15-Option 3)

Phil – Option 1 within 50 feet of OHWM; 3 beyond

Mark – Option 3

Karl – Option 3

Chuck – Option 3

Jay – Option 3

Bill – Option 1 as amended by Phil; 3 beyond

(Glenn's Stand-in) – Option 3

Jerry – Option 3 (cap established by county)

Chip – Option 3

Jim – Option 3

Earl – Option 1

Mark – Option 3

Miles – Option 3

Nancy – Option 1

Paul – Option 3

Elmer – Option 3

Pam – Option 3

Mike – Option 3

Tom – Option 3

Minimum Size Issue

Michael Dresen: Another option – allow county to use whatever minimum building size standard already exists (Option E)

Poll of Committee Members (9-Option A, 7-Option E, 2-Option B)

Phil – E

Mark O. – Option A (county should decide)

Karl – Option B

Chuck – Option B

Jay – Option A

Glenn's Stand-in – Option A (county decides)

Jerry – Option A

Chip – Option A

Jim – E



Earl – E  
Mark – Option A  
Miles – Option A  
Nancy – Option E  
Paul – Option E  
Elmer – Option E  
Pam – Option A  
Michael – Option E  
Tom – Option A

### Expansion Cap

Richard Wedepohl: Should we talk about what direction expansion can go first? After some discussion, the answer was no.

Tom Larson: Unlimited expansion should be added as an option.

Carmen Wagner: How do you establish a mitigation end-point if there is unlimited expansion?

Nancy Russell: Cap should be 25% of existing footprint or 50% of habitable living area, not to exceed 1500 square feet.

Carmen Wagner: A square footage cap only (without a percentage) is another option; may work better if expansion isn't limited to a one-time only expansion).

Jerry Deschane: Limits should be established by the county. He thinks that these proposed numbers are arbitrary.

Carmen Wagner: Responded by citing scientific studies as the basis for these expansion limits.

Linda Meyer: cited constitution constraints.

Chip Nielsen: It makes sense to place some limitations on expansions; why can't we simply place a 2000 square feet limit? Percentages are not needed.

Chuck Mitchell: Why not base expansion limits on impervious surface limit? There should be another option – limit expansions based on impervious surface cap.

Michael Dresen: The variability of lot sizes and shapes will make impervious surface percentage limits difficult to implement, and will allow huge expansions of very small structures.

Tom Larson: The rule should reflect the goal of eventually eliminating or replacing nonconforming structures, if that is our goal.

Karl Kastrosky: Our county spent 3 years discussing this – came up with 50% expansion of footprint; with 2500 square foot cap for habitable living space to allow second story additions and 1900 square foot limit on footprint (to drip line).

Jay Verhulst: There are increased land use planning efforts around the state now. What if a cluster development is proposed? Trend is toward more density of housing; not less.

Nancy Russell: But not in the shoreland setback area.

Karl Kastrosky: These limits won't work for hotel, resorts, restaurant and other commercial buildings – this will be a separate issue that should be addressed.

Poll of Committee Members on Expansion Cap Options (5 members for Option A, 6 members for Option B, 2 members for Option C and 5 members for Option D)

Phil – Option A

Mark O. – Option B

Karl – Option A

Chuck – Option D

Jay – Option B

Glenn – Option B

Jerry – Option B

Chip – Option D

Jim – Option B

Earl – Option A

Mark – Option D

Miles – Option C

Nancy – Option A

Paul – Option A  
Elmer – Option C  
Pam – Option B  
Michael – Option D  
Tom – Option D

#### Direction of Expansion

Michael Dresen: You could prioritize the options C, A, B; only allow second or third option if first option can't be done.

Tom Larson: Landward or vertical (A or C) – should be the owners' choice.

Karl Kastrosky: Landward restriction often doesn't make sense – counties need flexibility.

Mark O'Connell: Counties need to decide the direction where expansion will be allowed, based on site conditions, to minimize impact (to achieve the objectives of the rule).

Mark O'Connell: "... the purposes of NR 115" should be used as criteria for approvals. All committee members except 2 liked option F best (expansion location based on site characteristics and determined by the county to be consistent with the purposes of the rule).

Toni suggested taking options F and D as the options to the listening sessions.

Michael Dresen: I assume that DNR will take option F to the Attorney General for an opinion.

Phil Gaudet doesn't agree with any of the options presented.

#### Structures Straddling Setback Lines

**Q** (Carmen Wagner): How is compliance end-point defined?

**A** (Jerry Deschane): The end-point would be limitations on major reconstruction of the portion in the buffer areas, if unlimited expansion is allowed.

Phil Gaudet: Don't allow expansion within setback area at all – only allow expansion beyond minimum setback line.

Carmen Wagner: Option A will be easier to administer.

Poll of Committee Members on Structures Straddling Setback Lines (17 members for Option D and 1 member for Option A)

Phil – Option D

Mark O. – Option D

Karl – Option D

Chuck – Undecided? Option D?

Jay – Option D (may need a roofline exception)

Glenn's Stand-in – Option D; allow county to decide details

Jerry – Option D

Chip – Option D

Jim – Option D

Earl – Option D

Mark – Option D

Miles – Option D

Nancy – Option D

Paul – Option A

Elmer – Option D

Pam – Option D

Michael – Option D

Tom – Option D

Q: What about the need to change roofline of an existing structure?

Richard Wedepohl: We'll develop diagrams for all of these options. It was decided to defer the last two issues to the next meeting, at Richard's suggestion.

Those committee members that weren't on the committee in January may send comments to Toni on the issues discussed in January.

Directions to the location of the next meeting on June 24<sup>th</sup> will be sent to committee members.